

FILED**SEP 29 2009**

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON GRAND JURY 2008
SEPTEMBER 29, 2009 SESSION

TERESA L. DEPPNER, CLERK
U.S. District Court
Southern District of West Virginia

SEALED

UNITED STATES OF AMERICA

v.

CRIMINAL NO.

2:09-CR-00222

DAVID KEITH BARBEITO (1)	18 U.S.C. § 1962 (c)
also known as "BART"	18 U.S.C. § 1962 (d)
(Defendant in Counts 1-2,	18 U.S.C. § 1959 (a) (6)
8-9, 12)	18 U.S.C. § 924 (c) (1) (A)
FLOYD B. MOORE (2)	18 U.S.C. § 1513 (b) (2)
also known as "JESSE"	18 U.S.C. § 1513 (f)
also known as "DIAMOND JESSE"	18 U.S.C. § 1959 (a) (5)
(Defendant in Counts 1-3,	18 U.S.C. § 1952 (a) (1)
5-10, 12-14, 17, 28-29, 33, 41)	18 U.S.C. § 2
DARRELL K. BUMGARNER (3)	18 U.S.C. § 924 (c) (1) (A)
also known as "MR. NICE GUY"	18 U.S.C. § 1959 (a) (4)
(Defendant in Counts 1-6,	18 U.S.C. § 1951
44)	18 U.S.C. § 1512 (a) (2) (C)
DAVID A. CREMEANS (4)	18 U.S.C. § 1512 (a) (3) (B) (ii)
also known as "KICKER"	18 U.S.C. § 1959 (a) (3)
(Defendant in Counts	18 U.S.C. § 1512 (c) (1)
1-3, 5-6, 20, 29, 33, 35, 43)	18 U.S.C. § 844 (h)
RICHARD TIMOTHY WEAVER (5)	18 U.S.C. § 844 (o)
also known as "LUCKY"	21 U.S.C. § 846
(Defendant in Counts	21 U.S.C. § 841 (a) (1)
1-3, 17-18, 29, 41)	21 U.S.C. § 843 (b)
SHAWN BLOSS (6)	18 U.S.C. § 931
also known as "RADAR"	18 U.S.C. § 924 (a) (7)
(Defendant in Count 3)	18 U.S.C. § 371
RONALD D. ROWSEY (7)	18 U.S.C. § 922 (g) (9)
also known as "HAMMER"	18 U.S.C. § 924 (a) (2)
(Defendant in Count 3)	18 U.S.C. § 922 (g) (3)
STEVE HARLAN STOVER (8)	18 U.S.C. § 922 (h)
also known as "CREATURE"	18 U.S.C. § 922 (g) (1)
(Defendant in Count 3)	26 U.S.C. § 5861 (d)
DALE WRIGHT (9)	26 U.S.C. § 5871
also known as "SMARTASS"	
(Defendant in Count 3)	

THOMAS E. GEER (10)
also known as "GEER"
(Defendant in Counts 5-6)

MICHAEL LLOYD STEVENS (11)
(Defendant in Counts 5-6)

RICHARD LEE STEVENS (12)
also known as "STUMP"
(Defendant in Counts 5-6)

THOMAS J. MORRIS (13)
also known as "GRUMPY"
(Defendant in Count 7)

MARTIN CRAIG NUSS (14)
also known as "MARTIN 1%"
(Defendant in Counts 8-9,12)

JEFFREY WAYNE JETT (15)
(Defendant in Count 10)

ERIC WAYNE LYTTLE (16)
also known as "TREE"
(Defendant in Count 10)

JAMES EDWARD LYTTLE (17)
also known as "BIG JIM"
(Defendant in Counts 10-11)

DONALD L. MASSEY JR. (18)
also known as "RENEGADE"
(Defendant in Count 10)

ANTHONY WAYNE PETERS (19)
also known as "BIG DADDY"
(Defendant in Count 10)

ROCCO J. BOYD (20)
also known as "ROCKY"
(Defendant in Counts 12,15,16)

CHRISTOPHER T. BRUNNER (21)
also known as "SPIDER"
(Defendant in Count 12)

THOMAS WILLIAM CONNOLLY (22)
also known as "ODDBALL"
(Defendant in Count 12)

SERGIO VELEZ CUEVAS (23)
also known as "CANO"
also known as "CONO"
(Defendant in Count 12)

WILLIAM J. DESALVATORE (24)
also known as "PROSPECT SAL"
also known as "SAL"
(Defendant in Count 12)

DOMINICK CARL DIPIETRO (25)
also known as "TACK"
(Defendant in Count 12)

STEPHEN G. DUNN JR. (26)
also known as "TUNA"
(Defendant in Count 12)

JOSEPH ROBERT FARERI (27)
also known as "GOAT"
(Defendant in Count 12)

TIMOTHY A. FLOOD (28)
also known as "CASUAL"
(Defendant in Count 12)

DAMIAN FOTI (29)
(Defendant in Count 12)

WILLIAM HANKINS SR. (30)
also known as "WILD BILL"
(Defendant in Count 12)

STEPHEN G. HOFFMANN (31)
also known as "BEAR"
(Defendant in Count 12)

CHARLES JAMES LAVERTY (32)
also known as "DOOVER"
(Defendant in Count 12)

VINCENT DAVID PEZZANO (33)
also known as "PIT STOP"
(Defendant in Count 12)

DANIEL J. REILLY (34)
also known as "WOOKIE"
(Defendant in Count 12)

JOSEPH J. SCHMIDT III (35)
also known as "JOEY"
also known as "HARD ROCK"
(Defendant in Count 12)

VINCENT G. TALOTTA (36)
also known as "VIN DOG"
(Defendant in Count 12)

KIRK NORMAN DEAN (37)
also known as "RAZOR"
(Defendant in Counts 13,29)

JOHN N. MAGGIO (38)
(Defendant in Count 14)

JAMES R. CLAYPOOL II (39)
also known as "BONES"
(Defendant in Counts 15-16,29,33,35,42)

JOSEPH FRANK COTTON (40)
also known as "RATTLER"
(Defendant in Counts 15-16)

ELMER LUKE MOORE (41)
also known as "TRAMP"
(Defendant in Counts 15-16, 29, 33, 37)

ERIC W. WOLFE (42)
also known as "FRITZ"
(Defendant in Counts 15-16, 20)

RICHARD HOWARD LESLIE SMITH (43)
also known as "REVERSE"
(Defendant in Counts 19)

JAMES VERNON HOBACK (44)
also known as "TIMEX"
(Defendant in Counts 19)

CHARLES H. NICHOLS (45)
also known as "TOMBSTONE CHARLIE"
(Defendant in Counts 19)

STEPHEN JEFFREY BAILEY (46)
also known as "OSCAR"
(Defendant in Counts 20, 24, 29-30, 33, 39)

WILLIAM DANIEL COPEN (47)
also known as "DAN"
also known as "DANIMAL"
(Defendant in Counts 20, 29, 31, 33, 38, 41)

EDWARD DAY PARSONS (48)
also known as "FAT ED"
(Defendant in Counts 20-23, 25-27)

MICHAEL ROY SNEED (49)
also known as "BUTTERBEAN"
(Defendant in Count 20)

DONNIE RAY WORKMAN (50)
also known as "HOSS"
(Defendant in Counts 20, 29, 32-33, 40)

KIM H. BERRYMAN (51)
also known as "BEAR"
(Defendant in Counts 29, 33-34)

COREY CHARLES HINKLE (52)
also known as "MOHAWK"
(Defendant in Count 29)

STEVEN LYNN KNIGHT (53)
also known as "STEVE O"
(Defendant in Counts 29, 33)

BRIAN SCOTT MITCHELL (54)
also known as "KEGS"
(Defendant in Counts 29, 33)

MICHAEL LEE PHELPS (55)
also known as "AJ"
(Defendant in Counts 29,33)

I N D I C T M E N T

The Grand Jury Charges:

COUNT ONE

The Enterprise

At all times material to this indictment:

1. Defendants DAVID KEITH BARBEITO, also known as "BART," FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," DARRELL K. BUMGARNER, also known as "MR. NICE GUY," DAVID A. CREMEANS, also known as "KICKER," RICHARD TIMOTHY WEAVER, also known as "LUCKY," and others both known and unknown to the Grand Jury, were members and associates of the Pagans Motorcycle Club (the "PMC"), a criminal organization whose members and associates engaged in kidnapping, robbery, extortion, and conspiracy to commit murder, and which operated in the Southern District of West Virginia and elsewhere.

2. The PMC, including its leadership, members and associates, constituted an "enterprise" as defined by Title 18, United States Code, Section 1961(4) (hereinafter, the "enterprise"), that is, a group of individuals associated in fact. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of

the enterprise. This enterprise was engaged in, and its activities affected, interstate and foreign commerce.

3. The PMC was a national criminal organization located primarily in the eastern half of the United States. The PMC and its associates (set forth in more detail below), engaged in numerous types of violent crimes to obtain and maintain control over other motorcycle gangs and clubs in various parts of the United States of America. The PMC was territorial and protected its territory from rival motorcycle gangs through the use of violence and intimidation. Two of the PMC's main rival motorcycle gangs were the Hell's Angels Motorcycle Club and the Outlaws Motorcycle Club. When members of rival motorcycle gangs, members of motorcycle clubs who associated with the rival motorcycle gangs, or people who wore clothing such as shirts or jackets with the names or logos of rival motorcycle gangs ventured into what the PMC considered to be its territory, PMC members and associates intimidated, threatened, attacked, beat, robbed, and sometimes killed them.

4. The PMC was organized into several regions with each region being further divided into multiple chapters of five to thirty members in each chapter. A Mother Club chapter of veteran PMC members served as the national governing body of the PMC. There were PMC chapters in various states including, but not limited to, West Virginia, Kentucky, Virginia, Pennsylvania, New

York, New Jersey, Delaware and Florida.

5. The Mother Club chapter of the PMC consisted of a national president, a national vice president, a national sergeant at arms, a national treasurer, and approximately nine other members. The Mother Club chapter was responsible for setting overall policy for the PMC, scheduling events such as "runs," parties, attendance at funerals, and enforcing the rules and regulations of the PMC. The Mother Club chapter had final authority over all PMC matters. Each member of the Mother Club chapter was assigned to act as an advisor or "boss" of a particular region containing multiple local chapters, and usually those chapters were situated in a particular geographic area. Each Mother Club advisor had authority over the chapters and members in his area subject only to the final authority of the Mother Club chapter and the national president of the PMC.

6. The local chapters of the PMC consisted of a president, vice president, sergeant at arms, treasurer, and other "regular or general members" who did not hold any office. Once a week, usually on Saturday or Sunday evenings, these local chapters held meetings referred to as "church." A full member of the PMC could be identified by his "colors" or "cut," which was a sleeveless denim jacket bearing several patches affixed at specific places. These patches included, but were not limited to, a patch containing the word "Pagans" and a "1%" patch. Members of the Mother Club wore a

"13" patch on their cut, signifying the traditional number of members in the Mother Club, and a 1% patch on the bottom back of their cut. Chapter presidents wore the 1% patch at the top back of their cut. The 1% patch signified the PMC's "outlaw" status. "Outlaw" motorcycle clubs took pride in themselves as the 1% of motorcycle riders who were not law abiding. PMC members also owned various items of personal property bearing the word "Pagan" or "Pagans" and various logos, insignia, emblems, and slogans signifying their membership and status in the PMC.

7. "Prospects" for full membership (who often came from support clubs) also wore a cut or colors. A prospect's cut would be missing several of the patches worn by full members. Individuals who wanted to become prospects with the PMC, but who had not yet been offered that opportunity, were known as "hang arounds" and would not have a cut.

8. The PMC had clearly established ties to other motorcycle clubs, known as "support clubs," which were used to recruit new members and to facilitate illegal activity. Members of support clubs often wanted to become members of the PMC, and support club members were expected to perform whatever tasks the PMC assigned, illegal or otherwise. PMC support clubs could be identified by patches on their colors bearing the number "16," which stands for the 16th letter of the alphabet, "P," for Pagans. The Last Rebels Motorcycle Club (LRMC), and the Shore Dogs Motorcycle Club (SDMC)

were both support clubs for the PMC.

9. The PMC made money from its support clubs, and the PMC increased its power and influence by having more support club members. Accordingly, the PMC and its existing support clubs unlawfully threatened and intimidated people who wanted to start a motorcycle club in PMC territory and attempted to get the people to support the PMC and to not support any of the PMC's rivals. PMC and support club members would confront and intimidate law-abiding citizens and force them to get "permission" from the PMC before starting even a lawful motorcycle club, and made them get "approval" from the PMC for the club's name, logo, and the type of patches the lawful club could wear. If the members of the new club did not follow whatever mandates the PMC imposed, the PMC would threaten, intimidate, assault, and rob the members of their colors (their jackets and their patches).

The Purposes of the Enterprise

10. The purposes of the enterprise included the following:

a. Enriching the members and associates of the enterprise through, among other things, extortion, robbery, and the operation of an illegal gambling business.

b. Preserving and protecting the power and territory of the enterprise through the use of intimidation, violence, threats of violence, assaults, and other violent crimes.

c. Keeping victims and rivals in fear of the enterprise and in fear of the enterprise's members and associates through threats of violence and through violence.

Roles of the Defendants

11. The defendants participated in the operation and management of the enterprise.

At various times material to this indictment:

12. Defendant DAVID KEITH BARBEITO, also known as "BART," was national president of the PMC; a member of the Mother Club chapter of the PMC; and an advisor to all PMC chapters in the United States.

13. Defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," was national vice president of the PMC; a member of the Mother Club chapter of the PMC; and an advisor to PMC chapters in the majority of the state of West Virginia, as well as the states of New Jersey, Florida and to PMC chapters in the Eastern half of Pennsylvania, specifically Philadelphia.

14. Defendant DARRELL K. BUMGARNER, also known as "MR. NICE GUY," was a member of the LRMC, and the president and a general member of the Huntington/Southern Ohio chapter of the PMC.

15. Defendant DAVID A. CREMEANS, also known as "KICKER," was the treasurer and a general member of the Huntington, West Virginia chapter of the LRMC and was later the treasurer and a general member of the Charleston, West Virginia chapter of the PMC.

16. Defendant RICHARD TIMOTHY WEAVER, also known as "LUCKY," was treasurer, president, and a general member of the Charleston, West Virginia chapter of the PMC, and a general member of the Huntington, West Virginia chapter of the PMC.

Means and Methods of the Enterprise

17. Among the means and methods by which the defendants and their associates conducted and participated in the conduct of the affairs of the enterprise were the following:

a. Members of the enterprise and their associates used, attempted to use, and conspired to use extortion, which affected interstate commerce.

b. Members of the enterprise and their associates committed, attempted and threatened to commit acts of violence, including conspiracy to commit murder, robbery and extortion, to protect and expand the enterprise's territory and criminal operations.

c. Members of the enterprise and their associates promoted a climate of fear through violence and threats of violence.

d. Members of the enterprise and their associates used and threatened to use physical violence against various individuals and members of rival gangs.

The Racketeering Violation

18. From in or about March 2003, to on or about the date of the return of this indictment, in the Southern District of West Virginia, and elsewhere, defendants DAVID KEITH BARBEITO, also known as "BART," FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," DARRELL K. BUMGARNER, also known as "MR. NICE GUY," DAVID A. CREMEANS, also known as "KICKER," RICHARD TIMOTHY WEAVER, also known as "LUCKY," and others both known and unknown to the Grand Jury, being persons employed by and associated with the PMC, an enterprise which engaged in, and the activities of which, affected interstate commerce, did knowingly and unlawfully conduct and participate, directly and indirectly, in the conduct of the affairs of the PMC, through a pattern of racketeering activity, that is, through the commission of Racketeering Acts One through Twelve as set forth in paragraphs Twenty through Thirty-One below.

The Pattern of Racketeering Activity

19. The pattern of racketeering activity as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisted of the following acts:

Racketeering Act One—Kidnapping

20. On or about March 15, 2003, at or near Huntington, West Virginia, defendants DARRELL K. BUMGARNER, also known as "MR. NICE GUY," DAVID A. CREMEANS, also known as "KICKER," and persons both known and unknown to the Grand Jury, knowingly aided and abetted by

defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," did knowingly by force, threat, and duress, take and confine, within West Virginia, and otherwise did kidnap and hold hostage a victim known to the Grand Jury (the "First Known Victim") for the purpose and with the intent of taking, receiving, demanding and extorting from the First Known Victim any concessions and advantage of any sort, in violation of W. Va. Code § 61-2-14a and W. Va. Code § 61-2-14e.

Racketeering Act Two-Kidnapping

21. In or about June 2003, at or near South Charleston, West Virginia, defendants DAVID KEITH BARBEITO, also known as "BART," FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," and persons known and unknown to the Grand Jury, knowingly aided and abetted by each other, did knowingly by force, threat, and duress, take and confine, within West Virginia, and otherwise did kidnap and hold hostage several victims known to the Grand Jury (the "Second Known Victims") for the purpose and with the intent of taking, receiving, demanding and extorting from the Second Known Victims any concessions and advantage of any sort, in violation of W. Va. Code § 61-2-14a and W. Va. Code § 61-2-14e.

Racketeering Act Three-Robbery

22. On or about November 19, 2004, at or near South Charleston, West Virginia, and at or near Portsmouth, Ohio, and elsewhere, defendants DARRELL K. BUMGARNER, also known as "MR. NICE

GUY," DAVID A. CREMEANS, also known as "KICKER," RICHARD TIMOTHY WEAVER, also known as "LUCKY," and other persons both known and unknown to the Grand Jury, aided and abetted by FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," committed robbery by threatening to inflict physical harm on another, and by threatening the immediate use of force against another while committing a theft, in violation of Ohio Rev. Code Ann. §§ 2911.02 and 2923.03.

**Racketeering Act Four—Retaliation Against
a Witness and Conspiracy to Commit Murder**

23. The defendants named below committed the following acts, any of which alone constitutes the commission of Racketeering Act Four:

a. From on or before September 6, 2005, to at least October 14, 2005, at or near Huntington, Cabell County, West Virginia, within the Southern District of West Virginia, at or near Ashland, Kentucky, and elsewhere, defendants FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," DARRELL K. BUMGARNER, also known as "MR. NICE GUY," DAVID A. CREMEANS, also known as "KICKER," and other persons both known and unknown to the Grand Jury, did knowingly conspire to engage in conduct and thereby cause and threaten to cause bodily injury to a victim known to the Grand Jury (the "Third Known Victim") with intent to retaliate against the Third Known Victim for information relating to the commission and possible commission of a Federal offense given by the Third Known Victim to a law enforcement officer, in violation of 18 U.S.C. §§

1513(b)(2) and 1513(f).

b. From on or before September 6, 2005, to at least October 14, 2005, at or near Huntington, West Virginia, at or near Ashland, Kentucky, and elsewhere, defendants FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," DARRELL K. BUMGARNER, also known as "MR. NICE GUY," DAVID A. CREMEANS, also known as "KICKER," and other persons both known and unknown to the Grand Jury, knowingly, maliciously, willfully, deliberately and unlawfully conspired with each other to commit an offense against the state of West Virginia, that is murder, in violation of W. Va. Code §§ 61-2-1 and 61-10-31.

c. From on or before September 6, 2005, to at least October 14, 2005, at or near Huntington, West Virginia, at or near Ashland, Kentucky, and elsewhere, defendants FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," DARRELL K. BUMGARNER, also known as "MR. NICE GUY," DAVID A. CREMEANS, also known as "KICKER," and other persons both known and unknown to the Grand Jury, knowingly, maliciously, willfully, deliberately and unlawfully conspired with each other to commit a felonious act, that is murder, in violation of KY. REV. STAT. ANN. §§ 507.020 and 506.040.

Racketeering Act Five—Conspiracy to Commit Murder

24. From in or about May 2006, through in or about March 2007, at or near Charleston and St. Albans, West Virginia,

defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," and persons known to the Grand Jury, knowingly, maliciously, deliberately, willfully and unlawfully conspired with each other to commit an offense against the state of West Virginia, that is murder of a known victim in violation of W. Va. Code §§ 61-2-1 and 61-10-31.

**Racketeering Act Six—Use of Interstate
Facility to Distribute Gambling Proceeds**

25. On or about April 25, 2007, in the Southern District of West Virginia and elsewhere, a person known to the Grand Jury, aided and abetted by defendants DAVID KEITH BARBEITO, also known as "BART," and FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," did knowingly and intentionally use and cause the use of a facility in interstate commerce with the intent to distribute the proceeds of an unlawful activity, that is, gambling in violation of the laws of the states of Maryland, Florida, and West Virginia, and thereafter, did perform and attempt to perform an act to distribute the proceeds of such unlawful activity.

In violation of Title 18, United States Code, Section 1952(a)(1), and Title 18, United States Code, Section 2.

**Racketeering Act Seven—Use of Interstate
Facility to Distribute Gambling Proceeds**

26. On or about May 11, 2007, in the Southern District of West Virginia and elsewhere, a person known to the Grand Jury, aided and abetted by defendants DAVID KEITH BARBEITO, also known as

"BART," and FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," did knowingly and intentionally use and cause the use of a facility in interstate commerce with the intent to distribute the proceeds of an unlawful activity, that is, gambling in violation of the laws of the states of Maryland, Florida, and West Virginia, and thereafter, did perform and attempt to perform an act to distribute the proceeds of such unlawful activity.

In violation of Title 18, United States Code, Section 1952(a)(1), and Title 18, United States Code, Section 2.

Racketeering Act Eight – Robbery

27. In or about April 2008, at or near Racine, West Virginia, several persons both known and unknown to the Grand Jury, aided and abetted by defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," did commit robbery by placing the victims known to the Grand Jury (the "Fourth Known Victims") in fear of bodily injury and taking money or goods of value from the Fourth Known Victims against their will and by putting in fear the Fourth Known Victims, in violation of W. Va. Code §§ 61-2-12 and 61-11-6.

**Racketeering Act Nine—Interstate Travel
to Distribute Gambling Proceeds**

28. On or about April 26, 2008, in the Southern District of West Virginia and elsewhere, several persons known to the Grand Jury, aided and abetted by defendants DAVID KEITH BARBEITO, also known as "BART," and FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," did knowingly and intentionally travel in and

cause the travel in interstate commerce with the intent to distribute the proceeds of an unlawful activity, that is, gambling, in violation of the laws of the states of Pennsylvania, New Jersey, Maryland, Florida and West Virginia, and thereafter, did perform and attempt to perform an act to distribute the proceeds of such unlawful activity.

In violation of Title 18, United States Code, Section 1952(a)(1) and Title 18, United States Code, Section 2.

Racketeering Act Ten-Robbery

29. In or about July 2008, at or near Charleston, West Virginia, a person known to the Grand Jury (the "First Known Person"), aided and abetted by defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," committed a robbery by placing a victim known to the Grand Jury (the "Fifth Known Victim") in fear of bodily injury and by taking money or goods of value from the Fifth Known Victim against his will and by putting in fear the Fifth Known Victim, in violation of W. Va. Code §§ 61-2-12 and 61-11-6.

Racketeering Act Eleven-Extortion Conspiracy

30. Defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," committed the following acts, any of which alone constitutes the commission of Racketeering Act Eleven:

a. From in or about September 2008 through at least in or about November 2008, within the Southern District of West

Virginia and elsewhere, defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," and other persons known to the Grand Jury (the "Second and Third Known Persons"), conspired to in any way or degree obstruct, delay, and affect commerce and the movement of any article or commodity in commerce, by extortion, that is, defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," and the Second and Third Known Persons conspired to obtain the property from two victims known to the Grand Jury, with those victims' consent, induced by the wrongful use of actual and threatened force, violence, and fear, in violation of 18 U.S.C. § 1951.

b. From in or about September 2008, through at least in or about November 2008, at or near St. Albans, West Virginia, and elsewhere, defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," and the Second and Third Known Persons, unlawfully and feloniously conspired with each other to commit an offense against the state of West Virginia, that is, extortion by threatening to injure a person to extort money in violation of W. Va. Code §§ 61-2-13 and 61-10-31.

c. From in or about September 2008, through at least in or about November 2008, at or near St. Albans, West Virginia, and at or near Alexandria, Virginia, and elsewhere, defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," and the Second and Third Known Persons, unlawfully and feloniously conspired with

each other to commit extortion by threatening to injure a person to extort money in violation of VA Code §§ 18.2-59 and 18.2-22.

Racketeering Act Twelve—Obstruction of Justice

31. In or about February 2009, at or near St. Albans and South Charleston, Kanawha County, West Virginia, within the Southern District of West Virginia, and elsewhere, defendant RICHARD TIMOTHY WEAVER, also known as "LUCKY," aided and abetted by defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," did knowingly, intentionally, and unlawfully, corruptly alter, destroy, mutilate, and conceal records, documents, and other objects, and attempted to do so, with the intent to impair the objects' integrity and availability for use in an official proceeding, in violation of 18 U.S.C. § 1512(c)(1), and 18 U.S.C. § 2.

All in violation of Title 18, United States Code, Section 1962(c).

COUNT TWO

The Racketeering Conspiracy

1. Paragraphs One through Seventeen of Count One of this Indictment are hereby realleged and incorporated by reference as though fully set forth herein.

2. From in or about March 2003 through in or about the date of this indictment, both dates being approximate and inclusive, within the Southern District of West Virginia and elsewhere, defendants DAVID KEITH BARBEITO, also known as "BART," FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," DARRELL K. BUMGARNER, also known as "MR. NICE GUY," DAVID A. CREMEANS, also known as "KICKER," and RICHARD TIMOTHY WEAVER, also known as "LUCKY," together with other persons known and unknown, being persons employed by and associated with the PMC, an enterprise which engaged in, and the activities of which affected, interstate commerce, knowingly and intentionally conspired to violate 18 U.S.C. § 1962(c), that is, to conduct and participate, directly and indirectly in the conduct of the affairs of that enterprise through a pattern of racketeering activity, as that term is defined by 18 U.S.C. §§ 1961(1) and 1961(5). The pattern of racketeering activity through which the defendants agreed to conduct the affairs of the enterprise consisted of the acts set forth in paragraphs Twenty through Thirty-One of Count One of this Indictment, which are incorporated as if fully set forth herein. In furtherance of

the conspiracy, defendants DAVID KEITH BARBEITO, also known as "BART," FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," DARRELL K. BUMGARNER, also known as "MR. NICE GUY," DAVID A. CREMEANS, also known as "KICKER," and RICHARD TIMOTHY WEAVER, also known as "LUCKY," and others known and unknown to the Grand Jury, committed various overt acts, on or about the following dates, within the Southern District of West Virginia and elsewhere, including, but not limited to, the following:

a. On or about March 15, 2003, defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," ordered defendants DARRELL K. BUMGARNER, also known as "MR. NICE GUY," DAVID A. CREMEANS, also known as "KICKER," and persons both known and unknown to the Grand Jury, to travel to Huntington, West Virginia, to find the local president of the Road Disciples Motorcycle Club (the "RDMC"). Defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," wanted his members and associates to find the president of the RDMC and to collect money from him and to threaten to shut down, by force, the RDMC if the president did not comply with defendant FLOYD B. MOORE's, also known as "JESSE" and "DIAMOND JESSE," orders. Although defendants DARRELL K. BUMGARNER, also known as "MR. NICE GUY," DAVID A. CREMEANS, also known as "KICKER," and persons both known and unknown to the Grand Jury, could not find the local president, they found a local member of the RDMC at a bar in Huntington (the First Known Victim). While holding the

First Known Victim hostage, and while assaulting him, the Second Known Person contacted defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," and informed him of their inability to find the local president of the RDMC, but that they had found and were trying to extract information from a member of the RDMC. Defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," ordered the Second Known Person to continue with the beating and the attempt to extract information from the member of the RDMC in order to try and find the president of the RDMC. Defendants DARRELL K. BUMGARNER, also known as "MR. NICE GUY," DAVID A. CREMEANS, also known as "KICKER," and persons both known and unknown to the Grand Jury, did continue restraining and beating the First Known Victim in their attempt to gather information about the whereabouts of the local president of the RDMC.

b. In or about June 2003, defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," was involved in an internal struggle with members of the Charleston chapter of the PMC. Several members of the Charleston chapter, including the chapter president, were unhappy with the way defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," was running the local chapter of the PMC. Accordingly, several members of the Charleston chapter indicated their intention to resign from the PMC. Thereafter, defendant DAVID KEITH BARBEITO, also known as "BART," and FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," called for and

attended a meeting to quell the rebellion. All of the members who sided with the Charleston chapter president and had indicated their intention to resign from the PMC were held at gun point for several hours while members of the rebellion were interrogated individually by various members of the PMC's mother club.

c. In or about November 2004, defendants DARRELL K. BUMGARNER, also known as "MR. NICE GUY," DAVID A. CREMEANS, also known as "KICKER," RICHARD TIMOTHY WEAVER, also known as "LUCKY," and persons known and unknown to the Grand Jury, on orders from defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," traveled to the RDMC's clubhouse in Portsmouth, Ohio, and while several of the PMC members and associates were armed with weapons, they confronted the RDMC (a PMC support club) for not obeying PMC rules and for not paying "fines" the PMC imposed on them. When the president of the RDMC said they did not want to wear a "16" patch anymore, defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," ordered his men to strip the RDMC members of their colors by whatever means necessary and to violently assault any member of the RDMC who resisted. Finally, defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," ordered the RDMC to disband and he no longer permitted the RDMC to operate as a motorcycle club in his territory.

d. In or about September 2005 to in or about October 2005, defendants FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," DARRELL K. BUMGARNER, also known as "MR. NICE GUY," DAVID A. CREMEANS, also known as "KICKER," and other persons both known and unknown to the Grand Jury, thought that the Third Known Victim, who was an incarcerated member of the PMC, was cooperating with law enforcement. Therefore, defendants FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," DARRELL K. BUMGARNER, also known as "MR. NICE GUY," DAVID A. CREMEANS, also known as "KICKER," and other persons both known and unknown to the Grand Jury, conspired with a prison guard and an inmate to kill the Third Known Victim.

e. From in or about May 2006, through in or about March 2007, defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," ordered the Second Known Person to commit a murder which had been requested by the president of another local motorcycle gang.

f. On or about April 25, 2007, a member of the PMC in Florida sent the proceeds from the sales of raffle tickets to the Second Known Person in South Carolina. The Second Known Person, in accordance with prior orders by defendants DAVID KEITH BARBEITO, also known as "BART," and FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," distributed the money to defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," in West Virginia, so those proceeds could then be distributed to DAVID KEITH BARBEITO, also known as "BART," in Maryland.

g. On or about May 11, 2007, a member of the PMC in Florida sent the proceeds from the sales of raffle tickets to the Second Known Person in South Carolina. The Second Known Person, in accordance with prior orders by defendants DAVID KEITH BARBEITO, also known as "BART," and FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," distributed the money to defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," in West Virginia, so those proceeds could then be distributed to defendant DAVID KEITH BARBEITO, also known as "BART," in Maryland.

h. In or about April 2008, several persons known to the Grand Jury, who were all members of the LRMC, on orders from defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," did confront and threaten four members of the Next to Kin Motorcycle Club, and robbed the victims of their colors (their denim jackets with their patches) because the members of the Next to Kin Motorcycle Club did not get the PMC's "permission" before starting their club.

i. On or about April 26, 2008, defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," had a mandatory event in West Virginia for PMC members in his territory. Several members from out-of-state attended the mandatory event. The purpose of the mandatory event was to distribute the proceeds of a raffle to defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," in West Virginia, so he could then distribute them to

defendant DAVID KEITH BARBEITO, also known as "BART," in Maryland.

j. In or about July 2008, based upon standing orders issued by, and after consulting with, defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," the First Known Person confronted the Fifth Known Victim outside a bar because he was wearing a shirt associated with the Outlaws Motorcycle Club, a rival motorcycle gang. The First Known Person threatened the Fifth Known Victim with bodily injury and made him take off his shirt and give it to the First Known Person.

k. From in or about September 2008 to in or about November 2008, defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," ordered the Second Known Person to collect money from two known victims for a friend and associate (the "Third Known Person") of defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," because defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," told the Second Known Person that the victims owed the Third Known Person a lot of money.

l. In or about February 2009, the PMC knew that law enforcement officers were interested in finding clothing and other items that members and associates of the enterprise had taken from rival motorcycle gangs and from supporters of rival motorcycle gangs. Accordingly, defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," ordered other members of the PMC to clean out all such evidence from the PMC clubhouse. Thereafter,

defendant RICHARD TIMOTHY WEAVER, also known as "LUCKY," took several items from the PMC clubhouse that had been taken from rival motorcycle gang members and from supporters of rival motorcycle gangs and then he burned the items.

All in violation of Title 18, United States Code, Section 1962(d).

COUNT THREE

**(Conspiracy to Commit Assault with a Dangerous
Weapon in Aid of Racketeering Activity)**

1. Paragraphs One through Seventeen of Count One of this Indictment are hereby realleged and incorporated by reference as though fully set forth herein.

2. On or about November 19, 2004, at or near South Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, and at or near Portsmouth, Ohio, and elsewhere, defendants FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," DARRELL K. BUMGARNER, also known as "MR. NICE GUY," DAVID A. CREMEANS, also known as "KICKER," RICHARD TIMOTHY WEAVER, also known as "LUCKY," SHAWN BLOSS, also known as "RADAR," RONALD D. ROWSEY, also known as "HAMMER," STEVE HARLAN STOVER, also known as "CREATURE," DALE WRIGHT, also known as "SMARTASS," and the Second Known Person, for the purpose of gaining entrance to and maintaining and increasing position in an enterprise engaged in racketeering activity, conspired to commit an assault with a dangerous weapon, in violation of W.Va. Code §§ 61-2-9, 61-10-31, and Ohio Rev. Code Ann § 2903.11.

In violation of Title 18, United States Code, Section 1959(a) (6).

COUNT FOUR

(Using and Carrying a Firearm During a Crime of Violence)

On or about November 19, 2004, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, and at or near Portsmouth, Ohio and elsewhere, defendant DARRELL K. BUMGARNER, also known as "MR. NICE GUY," knowingly used and carried a firearm, that is, a handgun, during and in relation to a crime of violence for which defendant may be prosecuted in a court of the United States, that is, a violent crime in aid of racketeering in violation of 18 U.S.C. § 1959(a)(6).

In violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT FIVE

(Retaliation Against a Witness)

From on or before September 6, 2005, to at least October 14, 2005, at or near Huntington, Cabell County, West Virginia, within the Southern District of West Virginia, and at or near Ashland, Kentucky, and elsewhere, defendants FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," DARRELL K. BUMGARNER, also known as "MR. NICE GUY," DAVID A. CREMEANS, also known as "KICKER," THOMAS E. GEER, also known as "GEER," MICHAEL LLOYD STEVENS, RICHARD LEE STEVENS, also known as "STUMP," and persons both known and unknown to the Grand Jury, did knowingly conspire to engage in conduct and thereby cause and threaten to cause bodily injury to the Third Known Victim with intent to retaliate against the Third Known Victim for information relating to the commission and possible commission of a Federal offense given by the Third Known Victim to a law enforcement officer. That is, defendants FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," DARRELL K. BUMGARNER, also known as "MR. NICE GUY," DAVID A. CREMEANS, also known as "KICKER," THOMAS E. GEER, also known as "GEER," RICHARD LEE STEVENS, also known as "STUMP," and other persons both known and unknown to the Grand Jury, thought that the Third Known Victim, who was an incarcerated member of the PMC, was cooperating with law enforcement. Therefore, defendants FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," DARRELL K. BUMGARNER, also known as

"MR. NICE GUY," DAVID A. CREMEANS, also known as "KICKER," THOMAS E. GEER, also known as "GEER," RICHARD LEE STEVENS, also known as "STUMP," and persons both known and unknown to the Grand Jury, enlisted defendant MICHAEL LLOYD STEVENS, who was a prison guard, and an inmate to kill the Third Known Victim.

In violation of Title 18, United States Code, Sections 1513(b)(2) and 1513(f).

COUNT SIX

**(Conspiracy to Commit Murder
in Aid of Racketeering Activity)**

1. Paragraphs One through Seventeen of Count One of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. From on or before September 6, 2005, through at least October 14, 2005, at or near Huntington, Cabell County, West Virginia, within the Southern District of West Virginia, and at or near Ashland, Kentucky, and elsewhere, as consideration for the receipt of, and as consideration for a promise or agreement to pay anything of pecuniary value from an enterprise engaged in racketeering activity, and for the purpose of gaining entrance to and maintaining and increasing position in an enterprise engaged in racketeering activity, defendants FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," DARRELL K. BUMGARNER, also known as "MR. NICE GUY," DAVID A. CREMEANS, also known as "KICKER," THOMAS E. GEER, also known as "GEER," MICHAEL LLOYD STEVENS, RICHARD LEE STEVENS, also known as "STUMP," and persons both known and unknown to the Grand Jury, did unlawfully, knowingly, maliciously, willfully, and intentionally conspire with each other to commit murder of the Third Known Victim, in violation of W. Va. Code §§ 61-10-31 and 61-2-1 and KY. REV. STAT. ANN. §§ 506.040 and 507.020.

In violation of Title 18, United States Code, Section 1959(a)(5).

COUNT SEVEN

**(Conspiracy to Commit Murder
in Aid of Racketeering Activity)**

1. Paragraphs One through Seventeen of Count One of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. From in or about May 2006, through in or about March 2007, at or near Charleston and St. Albans, Kanawha County, West Virginia, within the Southern District of West Virginia and elsewhere, defendants FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," THOMAS J. MORRIS, also known as "GRUMPY," and the Second Known Person, for the purpose of gaining entrance to and maintaining and increasing position in an enterprise engaged in racketeering activity, defendants FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," THOMAS J. MORRIS, also known as "GRUMPY," who, at the time, was the president of the Red House, West Virginia chapter of the Avengers Motorcycle Club, and the Second Known Person, did unlawfully, knowingly, maliciously, willfully, and intentionally conspire with each other to commit an offense against the state of West Virginia, that is murder of a victim known to the Grand Jury (the "Sixth Known Victim") in violation of W. Va. Code §§ 61-10-31 and 61-2-1.

In violation of Title 18, United States Code, Section 1959(a) (5).

COUNT EIGHT

**(Use of an Interstate Facility in
Aid of Racketeering Enterprise)**

1. Paragraphs One through Seventeen of Count One of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. On or about April 25, 2007, in the Southern District of West Virginia and elsewhere, defendant MARTIN CRAIG NUSS, also known as "MARTIN 1%," aided and abetted by defendants DAVID KEITH BARBEITO, also known as "BART," and FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," did knowingly and intentionally use and cause the use of a facility in interstate commerce with the intent to distribute the proceeds of an unlawful activity, that is, gambling, in violation of the laws of the states of Maryland, Florida and West Virginia, and thereafter, did perform and attempt to perform an act to distribute the proceeds of such unlawful activity.

3. The gambling enterprise involved PMC members and associates selling raffle tickets for a purported chance to win a motorcycle. Defendant MARTIN CRAIG NUSS, also known as "MARTIN 1%," distributed the proceeds of the raffle scheme to the Second Known Person in South Carolina so those proceeds could then be distributed to defendant DAVID KEITH BARBEITO, also known as "BART," in Maryland and defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," in West Virginia. The money raised

from the raffle scheme was used to promote the PMC as a criminal enterprise.

In violation of Title 18, United States Code, Section 1952(a)(1), and Title 18, United States Code, Section 2.

COUNT NINE

**(Use of an Interstate Facility in
Aid of Racketeering Enterprise)**

1. Paragraphs One through Seventeen of Count One of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. On or about May 11, 2007, in the Southern District of West Virginia and elsewhere, defendant MARTIN CRAIG NUSS, also known as "MARTIN 1%," aided and abetted by defendants DAVID KEITH BARBEITO, also known as "BART," and FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," did knowingly and intentionally use and cause the use of a facility in interstate commerce with the intent to distribute the proceeds of an unlawful activity, that is, gambling in violation of the laws of the states of Maryland, Florida, and West Virginia, and thereafter, did perform and attempt to perform an act to distribute the proceeds of such unlawful activity.

3. The gambling enterprise involved PMC members and associates selling raffle tickets for a purported chance to win a motorcycle. Defendant MARTIN CRAIG NUSS, also known as "MARTIN 1%," distributed the proceeds of the raffle scheme to the Second Known Person in South Carolina so those proceeds could then be distributed to defendant DAVID KEITH BARBEITO, also known as "BART," in Maryland and to defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," in West Virginia. The money raised from the raffle scheme was used to promote the PMC as a criminal

enterprise.

In violation of Title 18, United States Code, Section 1952(a)(1), and Title 18, United States Code, Section 2.

COUNT TEN

**(Threatening to Commit a Crime of
Violence in Aid of Racketeering Activity)**

1. Paragraphs One through Seventeen of Count One of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. In or about April 2008, at or near Racine, Boone County, West Virginia, and within the Southern District of West Virginia, defendants JEFFREY WAYNE JETT, ERIC WAYNE LYTTLE, also known as "TREE," JAMES EDWARD LYTTLE, also known as "BIG JIM," DONALD L. MASSEY, JR., also known as "RENEGADE," ANTHONY WAYNE PETERS, also known as "BIG DADDY," aided and abetted by each other and by defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," for the purpose of gaining entrance to and maintaining and increasing position in an enterprise engaged in racketeering activity, did unlawfully threaten to commit a crime of violence against the Fourth Known Victims, in violation of W. Va. Code § 61-2-9.

In violation of Title 18, United States Code, Section 1959(a)(4), and Title 18, United States Code, Section 2.

COUNT ELEVEN

(Using and Carrying a Firearm During a Crime of Violence)

In or about April 2008, at or near Racine, Boone County, West Virginia, and within the Southern District of West Virginia, defendant JAMES EDWARD LYTTLE, also known as "BIG JIM," did knowingly use and carry a firearm, that is, a handgun, during and in relation to a crime of violence for which defendant can be prosecuted in a court of the United States, that is, threatening to commit a crime of violence in violation of 18 U.S.C. § 1959(a)(4).

In violation of Title 18, United States Code, Section 924(c)(1)(A).

COUNT TWELVE

(Interstate Travel in Aid of Racketeering Enterprise)

1. Paragraphs One through Seventeen of Count One of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. On or about April 26, 2008, in the Southern District of West Virginia and elsewhere, defendants ROCCO J. BOYD, also known as "ROCKY," CHRISTOPHER T. BRUNNER, also known as "SPIDER," THOMAS WILLIAM CONNOLLY, also known as "ODDBALL," SERGIO VELEZ CUEVAS, also known as "CANO" and "CONO," WILLIAM J. DESALVATORE, also known as "PROSPECT SAL" and "SAL," DOMINICK CARL DIPIETRO, also known as "TACK," STEPHEN G. DUNN JR., also known as "TUNA," JOSEPH ROBERT FARERI, also known as "GOAT," TIMOTHY A. FLOOD, also known as "CASUAL," DAMIAN FOTI, WILLIAM HANKINS SR., also known as "WILD BILL," STEPHEN G. HOFFMANN, also known as "BEAR," CHARLES JAMES LAVERTY, also known as "DOOVER," MARTIN CRAIG NUSS, also known as "MARTIN 1%," VINCENT DAVID PEZZANO, also known as "PIT STOP," DANIEL J. REILLY, also known as "WOOKIE," JOSEPH J. SCHMIDT, III also known as "JOEY," and VINCENT G. TALOTTA, also known as "VIN DOG," (collectively, the "Out of State Defendants") aided and abetted by defendants DAVID KEITH BARBEITO, also known as "BART," and FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," did knowingly and intentionally travel in and cause the travel in interstate commerce with the intent to distribute the proceeds of

an unlawful activity, that is, gambling, in violation of the laws of the states of Pennsylvania, New Jersey, Maryland, Florida and West Virginia, and thereafter, did perform and attempt to perform an act to distribute the proceeds of such unlawful activity.

3. The gambling enterprise involved PMC members and associates selling raffle tickets for a purported chance to win a motorcycle. The Out of State Defendants traveled to West Virginia to distribute the proceeds of the raffle scheme to defendant DAVID KEITH BARBEITO, also known as "BART," in Maryland and to defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," in West Virginia. The money raised was used to promote the PMC as a criminal enterprise.

In violation of Title 18, United States Code, Section 1952(a)(1) and Title 18, United States Code, Section 2.

COUNT THIRTEEN

**(Threatening to Commit a Crime of Violence in
Aid of Racketeering Activity)**

1. Paragraphs One through Seventeen of Count One of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. In or about July 2008, at or near Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant KIRK NORMAN DEAN, also known as "RAZOR," aided and abetted by defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," for the purpose of gaining entrance to and maintaining and increasing position in an enterprise engaged in racketeering activity, did unlawfully threaten to commit a crime of violence against the Fifth Known Victim, in violation of W. Va. Code § 61-2-9.

In violation of Title 18, United States Code, Section 1959(a)(4), and Title 18, United States Code, Section 2.

COUNT FOURTEEN

(Extortion)

From in or about September 2008, through at least in or about November 2008, at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia, and at or near Wildwood, New Jersey, and Alexandria, Virginia, and elsewhere, defendants FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," JOHN N. MAGGIO, and the Second Known Person, conspired to in any way or degree obstruct, delay, and affect commerce and the movement of any article or commodity in commerce, by extortion, that is, the defendants conspired to obtain the property from two victims known to the Grand Jury, with those victims' consent, induced by the wrongful use of actual and threatened force, violence, and fear.

In violation of Title 18, United States Code, Section 1951.

COUNT FIFTEEN

(Obstruction of Justice)

On or about January 10, 2009, at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia, and at or near Hammonton, New Jersey, and elsewhere, defendants ROCCO J. BOYD, also known as "ROCKY," JAMES R. CLAYPOOL II, also known as "BONES," JOSEPH FRANK COTTON, also known as "RATTLER," ELMER LUKE MOORE, also known as "TRAMP," ERIC W. WOLFE, also known as "FRITZ," and persons both known and unknown to the Grand Jury, aided and abetted by each other, did knowingly use physical force and the threat of physical force against a person known to the Grand Jury (the "Fourth Known Person") and attempted to do so with the intent to hinder, delay, and prevent the communication to a law enforcement officer of information relating to the commission or possible commission of a federal offense.

In violation of Title 18, United States Code, Sections 1512(a)(2)(C) and 1512(a)(3)(B)(ii), and Title 18, United States Code, Section 2.

COUNT SIXTEEN

**(Assault With a Dangerous Weapon in
Aid of Racketeering Activity)**

1. Paragraphs One through Seventeen of Count One of this Indictment are realleged and incorporated by reference as though fully set forth herein.

2. On or about January 10, 2009, at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia, and at or near Hammonton, New Jersey, and elsewhere, defendants ROCCO J. BOYD, also known as "ROCKY," JAMES R. CLAYPOOL II, also known as "BONES," JOSEPH FRANK COTTON, also known as "RATTLER," ELMER LUKE MOORE, also known as "TRAMP," ERIC W. WOLFE, also known as "FRITZ," and persons both known and unknown to the Grand Jury, aided and abetted by each other, for the purpose of gaining entrance to and maintaining and increasing position in an enterprise engaged in racketeering activity, did unlawfully, knowingly, and intentionally, assault the Fourth Known Person with a dangerous weapon. In violation of W. Va. Code § 61-2-9 and N.J. STAT. ANN. § 2C12-1b.

In violation of Title 18, United States Code, Section 1959(a)(3), and Title 18, United States Code, Section 2.

COUNT SEVENTEEN

(Obstruction of Justice)

In or about February 2009, at or near St. Albans and South Charleston, Kanawha County, West Virginia, within the Southern District of West Virginia, and elsewhere, defendant RICHARD TIMOTHY WEAVER, also known as "LUCKY," aided and abetted by defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," did knowingly, intentionally, and unlawfully, corruptly alter, destroy, mutilate, and conceal records, documents, and other objects, and attempted to do so, with the intent to impair the objects' integrity and availability for use in an official proceeding.

In violation of Title 18, United States Code, Section 1512(c)(1) and Title 18, United States Code, Section 2.

COUNT EIGHTEEN

(Use of Fire to Commit a Felony)

In or about February 2009, at or near South Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant RICHARD TIMOTHY WEAVER, also known as "LUCKY," did knowingly and unlawfully use fire to commit a felony which may be prosecuted in a court of the United States, that is, obstruction of justice in violation of 18 U.S.C. § 1512(c)(1).

In violation of Title 18, United States Code, Section 844(h).

COUNT NINETEEN

(Transfer of Explosives to Use in Crime of Violence)

On or about June 1, 2006, at or near Princeton, Mercer County, West Virginia, and within the Southern District of West Virginia and elsewhere, defendant RICHARD HOWARD LESLIE SMITH, also known as "REVERSE," aided and abetted by defendants JAMES VERNON HOBACK, also known as "TIMEX," and CHARLES H. NICHOLS, also known as "TOMBSTONE CHARLIE," knowingly transferred explosive materials (as defined in 18 U.S.C. § 844(j)) knowing and having reasonable cause to believe that such explosive materials would be used to commit a crime of violence (as defined in 18 U.S.C. § 924(c)(3)).

In violation of Title 18, United States Code, Section 844(o) and Title 18, United States Code, Section 2.

COUNT TWENTY

(Drug Conspiracy)

From in or about January 2008, through in or about October 2008, at or near St. Albans and South Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia and elsewhere, defendants DAVID A. CREMEANS, also known as "KICKER," ERIC W. WOLFE, also known as "FRITZ," STEPHEN JEFFREY BAILEY, also known as "OSCAR," WILLIAM DANIEL COPEN, also known as "DAN" and "DANIMAL," EDWARD DAY PARSONS also known as "FAT ED," MICHAEL ROY SNEED, also known as "BUTTERBEAN," DONNIE RAY WORKMAN, also known as "HOSS," together with other persons both known and unknown to the Grand Jury, knowingly conspired to commit offenses in violation of 21 U.S.C. § 841(a)(1), that is, knowingly and intentionally to distribute and possess with intent to distribute a quantity of cocaine, also known as "coke," a Scheduled II controlled substance.

In violation of Title 21, United States Code, Section 846.

COUNT TWENTY-ONE

(Drug Distribution)

On or about April 12, 2008, at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant EDWARD DAY PARSONS, also known as "FAT ED," knowingly and intentionally distributed a quantity of cocaine, also known as "coke," a Scheduled II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT TWENTY-TWO

(Drug Distribution)

On or about April 16, 2008, at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant EDWARD DAY PARSONS, also known as "FAT ED," knowingly and intentionally distributed a quantity of cocaine, also known as "coke," a Scheduled II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT TWENTY-THREE

(Drug Distribution)

On or about May 22, 2008, at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant EDWARD DAY PARSONS, also known as "FAT ED," knowingly and intentionally distributed a quantity of cocaine, also known as "coke," a Scheduled II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT TWENTY-FOUR

(Use of a Telephone in Committing Drug Crime)

On or about May 22, 2008, at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia, and elsewhere, defendant STEPHEN JEFFREY BAILEY, also known as "OSCAR," did knowingly and intentionally use a communication facility, that is, a telephone, in committing and in causing and facilitating the commission of the distribution of a controlled substance in violation of 21 U.S.C. § 841(a)(1).

In violation of Title 21, United States Code, Section 843(b).

COUNT TWENTY-FIVE

(Drug Distribution)

On or about June 26, 2008, at approximately 1:00 a.m., at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant EDWARD DAY PARSONS also known as "FAT ED," distributed a quantity of cocaine, also known as "coke," a Scheduled II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT TWENTY-SIX

(Drug Distribution)

On or about June 26, 2008, at approximately 8:00 p.m., at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant EDWARD DAY PARSONS also known as "FAT ED," distributed a quantity of cocaine, also known as "coke," a Scheduled II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT TWENTY-SEVEN

(Drug Distribution)

On or about October 18, 2008, at or near South Charleston, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant EDWARD DAY PARSONS also known as "FAT ED," distributed a quantity of cocaine, also known as "coke," a Scheduled II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT TWENTY-EIGHT

(Violent Felon in Possession of Body Armor)

1. On or about April 28, 2008, at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant FLOYD B. MOORE, also know as "JESSE" and "DIAMOND JESSE," possessed body armor, that is, a bullet-proof vest that had been sold in interstate commerce, as personal protective body covering intended to protect against gunfire.

2. At the time defendant FLOYD B. MOORE, also know as "JESSE" and "DIAMOND JESSE," possessed the aforesaid body armor, he had been convicted of crimes of violence (as defined in 18 U.S.C. § 16), that is: Convicted on or about November 24, 1969, in the Court of Common Pleas of Mahoning County, Ohio, of a) possession of a bomb, or similar device, with intent to use for unlawful purpose, in violation of Ohio Rev. Code Ann. § 3743.25; b) unlawful attempt to use a bomb, or similar device, to injure a known person, in violation of Ohio Rev. Code Ann. § 3743.25; c) unlawful attempt to use a bomb, or similar device, to injure a known person's property, in violation of Ohio Rev. Code Ann. § 3743.25; and d) unlawfully placing or depositing a bomb, or similar device, upon or about the premises of another without that person's consent, in violation of Ohio Rev. Code Ann. § 3743.25.

In violation of Title 18, United States Code, Sections 931 and 924(a)(7).

COUNT TWENTY-NINE

(Conspiracy)

At all relevant times:

1. The PMC was a criminal enterprise engaged in various types of violent criminal activity.

2. Defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," was national vice president of the PMC; a member of the mother club chapter of the PMC; an advisor to the Charleston, West Virginia chapter of the PMC; and a convicted felon.

3. Defendants DAVID A. CREMEANS, also known as "KICKER," RICHARD TIMOTHY WEAVER, also known as "LUCKY," KIRK NORMAN DEAN, also known as "RAZOR," JAMES R. CLAYPOOL II, also known as "BONES," ELMER LUKE MOORE, also known as "TRAMP," STEPHEN JEFFREY BAILEY, also known as "OSCAR," WILLIAM DANIEL COPEN, also known as "DAN" and "DANIMAL," DONNIE RAY WORKMAN, also known as "HOSS," KIM H. BERRYMAN, also known as "BEAR," COREY CHARLES HINKLE, also known as "MOHAWK," STEVEN LYNN KNIGHT, also known as "STEVE O," BRIAN SCOTT MITCHELL, also known as "KEGS," and MICHAEL LEE PHELPS, also known as "AJ," were members of the PMC and were subordinate to defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," in the PMC hierarchy.

The Conspiracy

4. In or before February 2008 through at least February 2009, at or near numerous locations throughout the state of West

Virginia, including Charleston and St. Albans, Kanawha County, and within the Southern District of West Virginia, and elsewhere, defendants FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," DAVID A. CREMEANS, also known as "KICKER," RICHARD TIMOTHY WEAVER, also known as "LUCKY," KIRK NORMAN DEAN, also known as "RAZOR," JAMES R. CLAYPOOL II, also known as "BONES," ELMER LUKE MOORE, also known as "TRAMP," STEPHEN JEFFREY BAILEY, also known as "OSCAR," WILLIAM DANIEL COPEN, also known as "DAN" and "DANIMAL," DONNIE RAY WORKMAN, also known as "HOSS," KIM H. BERRYMAN, also known as "BEAR," COREY CHARLES HINKLE, also known as "MOHAWK," STEVEN LYNN KNIGHT, also known as "STEVE O," BRIAN SCOTT MITCHELL, also known as "KEGS," MICHAEL LEE PHELPS, also known as "AJ," and other persons both known and unknown to the Grand Jury, did knowingly conspire to commit offenses against the United States, that is, to possess firearms in and affecting interstate commerce while being employed for a convicted felon, in violation of 18 U.S.C. § 922(h).

Object of the Conspiracy

5. It was defendant FLOYD B. MOORE's, also known as "JESSE" and "DIAMOND JESSE," purpose and object in this conspiracy to order, cause, and enlist members of the PMC to carry firearms to protect him based on the violent and dangerous nature of the PMC and based on his position in the PMC. It was defendants DAVID A. CREMEANS, also known as "KICKER," RICHARD TIMOTHY WEAVER, also known as "LUCKY," KIRK NORMAN DEAN, also known as "RAZOR," JAMES

R. CLAYPOOL II, also known as "BONES," ELMER LUKE MOORE, also known as "TRAMP," STEPHEN JEFFREY BAILEY, also known as "OSCAR," WILLIAM DANIEL COPEN, also known as "DAN" and "DANIMAL," DONNIE RAY WORKMAN, also known as "HOSS," KIM H. BERRYMAN, also known as "BEAR," COREY CHARLES HINKLE, also known as "MOHAWK," STEVEN LYNN KNIGHT, also known as "STEVE O," BRIAN SCOTT MITCHELL, also known as "KEGS," and MICHAEL LEE PHELPS, also known as "AJ," purpose and object in this conspiracy to protect defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," and to carry firearms for his protection because he was their superior in the hierarchy of the PMC and because he ordered them to do so.

Manner and Means

6. It was a part of the conspiracy that the defendants all knew that defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," was a convicted felon.

7. It was further a part of the conspiracy that defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," employed the other defendants in that he was their superior in the PMC hierarchy and that he would and did order the other defendants to perform the tasks he assigned, including the task to possess and carry firearms.

8. It was further a part of the conspiracy that the other defendants would and did possess firearms, in and affecting interstate commerce, in the course of and while being employed by

defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE."

Overt Acts

9. To effect the object of this conspiracy, defendants FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," DAVID A. CREMEANS, also known as "KICKER," RICHARD TIMOTHY WEAVER, also known as "LUCKY," KIRK NORMAN DEAN, also known as "RAZOR," JAMES R. CLAYPOOL II, also known as "BONES," ELMER LUKE MOORE, also known as "TRAMP," STEPHEN JEFFREY BAILEY, also known as "OSCAR," WILLIAM DANIEL COPEN, also known as "DAN" and "DANIMAL," DONNIE RAY WORKMAN, also known as "HOSS," KIM H. BERRYMAN, also known as "BEAR," COREY CHARLES HINKLE, also known as "MOHAWK," STEVEN LYNN KNIGHT, also known as "STEVE O," BRIAN SCOTT MITCHELL, also known as "KEGS," MICHAEL LEE PHELPS, also known as "AJ," and persons both known and unknown to the Grand Jury, would and did commit the following and other overt acts within the Southern District of West Virginia and elsewhere:

A. At sometime before February 2, 2008, defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," told members of the Charleston chapter of the PMC to obtain a permit to carry a concealed weapon.

B. On or about February 2, 2008, defendants KIRK NORMAN DEAN, also known as "RAZOR," STEPHEN JEFFREY BAILEY, also known as "OSCAR," WILLIAM DANIEL COPEN, also known as "DAN" and "DANIMAL,"

DONNIE RAY WORKMAN, also known as "HOSS," and COREY CHARLES HINKLE, also known as "MOHAWK," took a handgun safety course in order to obtain a concealed weapons permit in the state of West Virginia.

C. On or about February 7, 2008, defendant WILLIAM DANIEL COPEN, also known as "DAN" and "DANIMAL," applied for a concealed weapons permit.

D. On or about February 13, 2008, defendant KIRK NORMAN DEAN, also known as "RAZOR," applied for a concealed weapons permit.

E. On or about June 6, 2008, defendants DAVID A. CREMEANS, also known as "KICKER," JAMES R. CLAYPOOL II, also known as "BONES," ELMER LUKE MOORE, also known as "TRAMP," STEPHEN JEFFREY BAILEY, also known as "OSCAR," WILLIAM DANIEL COPEN, also known as "DAN" and "DANIMAL," DONNIE RAY WORKMAN, also known as "HOSS," KIM H. BERRYMAN, also known as "BEAR," STEVEN LYNN KNIGHT, also known as "STEVE O," BRIAN SCOTT MITCHELL, also known as "KEGS," and MICHAEL LEE PHELPS, also known as "AJ," traveled from West Virginia to Virginia with defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," and possessed and transported numerous firearms on that trip.

F. On or about July 2, 2008, defendants RICHARD TIMOTHY WEAVER, also known as "LUCKY," and WILLIAM DANIEL COPEN, also known as "DAN" and "DANIMAL," possessed firearms at the PMC Clubhouse.

G. On or about February 1, 2009, defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," told various PMC

members that he did not carry a gun because certain PMC members carried a gun for him.

In violation of Title 18, United States Code, Section 371.

COUNT THIRTY

(Domestic Batterer in Possession of Firearm)

1. On or about February 2, 2008, at or near Charleston, Kanawha County, and within the Southern District of West Virginia, defendant STEPHEN JEFFREY BAILEY, also known as "OSCAR," did knowingly possess a firearm in and affecting interstate commerce.

2. At the time defendant STEPHEN JEFFREY BAILEY, also known as "OSCAR," possessed the aforesaid firearm, he had been convicted of a misdemeanor crime of domestic violence, as defined in 18 U.S.C. § 921(a)(33), that is, convicted on or about March 8, 2000, in the Circuit Court of Kanawha County, West Virginia, of domestic battery in violation of W. Va. Code § 61-2-28a.

In violation of Title 18, United States Code, Sections 922(g)(9) and 924(a)(2).

COUNT THIRTY-ONE

(Unlawful Drug User in Possession of Firearm)

1. On or about February 2, 2008, at or near Charleston, Kanawha County, and within the Southern District of West Virginia, defendant WILLIAM DANIEL COPEN, also known as "DAN" and "DANIMAL," did knowingly possess a firearm in and affecting interstate commerce.

2. At the time defendant WILLIAM DANIEL COPEN, also known as "DAN" and "DANIMAL," possessed the aforesaid firearm, he was an unlawful user of and addicted to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. § 802)).

In violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

COUNT THIRTY-TWO

(Unlawful Drug User in Possession of Firearm)

1. On or about February 2, 2008, at or near Charleston, Kanawha County, and within the Southern District of West Virginia, defendant DONNIE RAY WORKMAN, also known as "HOSS," did knowingly possess a firearm in and affecting interstate commerce.

2. At the time defendant DONNIE RAY WORKMAN, also known as "HOSS," possessed the aforesaid firearm, he was an unlawful user of and addicted to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. § 802)).

In violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

COUNT THIRTY-THREE

(Bodyguard of Convicted Felon)

On or about June 6, 2008, at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia and elsewhere, defendants DAVID A. CREMEANS, also known as "KICKER," JAMES R. CLAYPOOL II, also known as "BONES," ELMER LUKE MOORE, also known as "TRAMP," STEPHEN JEFFREY BAILEY, also known as "OSCAR," WILLIAM DANIEL COPEN, also known as "DAN" and "DANIMAL," DONNIE RAY WORKMAN, also known as "HOSS," KIM H. BERRYMAN, also known as "BEAR," STEVEN LYNN KNIGHT, also known as "STEVE O," BRIAN SCOTT MITCHELL, also known as "KEGS," and MICHAEL LEE PHELPS, also known as "AJ," who all knew that defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," was a convicted felon, and while being employed for, and in the course of such employment for, defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," a convicted felon, and aided and abetted by defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," did knowingly possess and transport firearms and ammunition in and affecting interstate commerce.

In violation of Title 18, United States Code, Sections 922(h) and 924(a)(2), and Title 18, United States Code, Section 2.

COUNT THIRTY-FOUR

(Felon in Possession of Firearm)

1. On or about June 6, 2008, at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia and elsewhere, defendant KIM H. BERRYMAN, also known as "BEAR," did knowingly possess and transport firearms in and affecting interstate commerce.

2. At the time defendant KIM H. BERRYMAN, also known as "BEAR," possessed and transported the aforesaid firearms, he had been convicted of a crime punishable by imprisonment for a term exceeding one year as defined in 18 U.S.C. § 921(a)(20), that is, convicted on or about September 26, 1985, in the United States District Court for the Eastern District of Kentucky, of bank robbery and assaulting and putting in jeopardy lives of bank employees by the use of a dangerous weapon in committing bank robbery, in violation of Title 18, United States Code, Sections 2113(a) and (d).

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT THIRTY-FIVE

(Unlawful Drug User in Possession of Firearm)

1. On or about June 6, 2008, at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia and elsewhere, defendant DAVID A. CREMEANS, also known as "KICKER," did knowingly possess and transport firearms in and affecting interstate commerce.

2. At the time defendant DAVID A. CREMEANS, also known as "KICKER," possessed and transported the aforesaid firearms, he was an unlawful user of and addicted to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. § 802)).

In violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

COUNT THIRTY-SIX

(Domestic Batterer in Possession of Firearm)

1. On or about June 6, 2008, at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia and elsewhere, defendant JAMES R. CLAYPOOL II, also known as "BONES," did knowingly possess and transport firearms in and affecting interstate commerce.

2. At the time defendant JAMES R. CLAYPOOL II, also known as "BONES," possessed and transported the aforesaid firearms, he had been convicted of a misdemeanor crime of domestic violence, as defined in 18 U.S.C. § 921(a)(33), that is, convicted on or about June 18, 1998, in the Magistrate Court of Harrison County, West Virginia, of domestic battery in violation of W. Va. Code § 61-2-28a.

In violation of Title 18, United States Code, Sections 922(g)(9) and 924(a)(2).

COUNT THIRTY-SEVEN

(Unlawful Drug User in Possession of Firearm)

1. On or about June 6, 2008, at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia and elsewhere, defendant ELMER LUKE MOORE, also known as "TRAMP," did knowingly possess and transport firearms in and affecting interstate commerce.

2. At the time defendant ELMER LUKE MOORE, also known as "TRAMP," possessed and transported the aforesaid firearms, he was an unlawful user of and addicted to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. § 802)).

In violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

COUNT THIRTY-EIGHT

(Unlawful Drug User in Possession of Firearm)

1. On or about June 6, 2008, at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia and elsewhere, defendant WILLIAM DANIEL COPEN, also known as "DAN" and "DANIMAL," did knowingly possess and transport firearms in and affecting interstate commerce.

2. At the time defendant WILLIAM DANIEL COPEN, also known as "DAN" and "DANIMAL," possessed and transported the aforesaid firearms, he was an unlawful user of and addicted to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. § 802)).

In violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

COUNT THIRTY-NINE

(Unlawful Drug User in Possession of Firearm)

1. On or about June 6, 2008, at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia and elsewhere, defendant STEPHEN JEFFREY BAILEY, also known as "OSCAR," did knowingly possess and transport firearms in and affecting interstate commerce.

2. At the time defendant STEPHEN JEFFREY BAILEY, also known as "OSCAR," possessed and transported the aforesaid firearms, he was an unlawful user of and addicted to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. § 802)).

In violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

COUNT FORTY

(Unlawful Drug User in Possession of Firearm)

1. On or about June 6, 2008, at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia and elsewhere, defendant DONNIE RAY WORKMAN, also known as "HOSS," did knowingly possess and transport firearms in and affecting interstate commerce.

2. At the time defendant DONNIE RAY WORKMAN, also known as "HOSS," possessed and transported the aforesaid firearms, he was an unlawful user of and addicted to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. § 802)).

In violation of Title 18, United States Code, Sections 922(g)(3) and 924(a)(2).

COUNT FORTY-ONE

(Bodyguard of Convicted Felon)

On or about July 2, 2008, at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia and elsewhere, defendants RICHARD TIMOTHY WEAVER, also known as "LUCKY," and WILLIAM DANIEL COPEN, also known as "DAN" and "DANIMAL," who both knew that defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," was a convicted felon, and while being employed for, and in the course of such employment for, defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," a convicted felon, and aided and abetted by defendant FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," did knowingly possess firearms and ammunition in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Sections 922(h) and 924(a)(2), and Title 18, United States Code, Section 2.

COUNT FORTY-TWO

(Drug Distribution)

On or about July 5, 2008, at or near St. Albans, Kanawha County, West Virginia, and within the Southern District of West Virginia, defendant JAMES R. CLAYPOOL II, also known as "BONES," knowingly and intentionally distributed a quantity of cocaine, also known as "coke," a Scheduled II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT FORTY-THREE

(Felon in Possession of Firearm)

1. On or about July 18, 2008, at or near Guyandotte, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant DAVID A. CREMEANS, also known as "KICKER," did knowingly possess the following firearms and ammunition in and affecting interstate commerce:

- a. A loaded Ruger P91 .40 caliber semi-automatic pistol;
- b. A loaded FMJ .410 caliber derringer pistol;
- c. A loaded North American .22 caliber derringer belt buckle-pistol;
- d. A loaded Davis Industries .38 caliber derringer pistol;
- e. A loaded Bryco Arms .380 caliber semi-automatic pistol;
- f. A loaded Fabrinor Vitoria .45 caliber semi-automatic pistol;
- g. A loaded Colt Cobra .38 caliber revolver;
- h. A loaded Rossi .38 caliber revolver;
- i. A loaded Baikal .380 caliber semi-automatic pistol;
- j. A loaded H&R .22 caliber revolver;
- k. A loaded Mossberg Model 88 12 gauge shotgun;
- l. A loaded PIC .22 caliber revolver;
- m. A loaded Eastfield Model 916A 12 gauge shotgun.

2. At the time defendant DAVID A. CREMEANS, also known as "KICKER," possessed the aforesaid firearms, he had been convicted of a crime punishable by imprisonment for a term exceeding one

year, as defined in 18 U.S.C. § 921(a)(20), that is, convicted on or about June 22, 1998, in the Circuit Court of Cabell County, West Virginia, of sexual abuse by a parent, guardian or custodian, in violation of W. Va. Code § 61-8D-5.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT FORTY-FOUR

(Possession of an Unregistered Firearm)

In or about January 2009, at or near Huntington, Cabell County, West Virginia, and within the Southern District of West Virginia, defendant DARRELL K. BUMGARNER, also known as "MR. NICE GUY," did knowingly possess a firearm, as defined by 26 U.S.C. § 5845(a)(2), that is, a CBC .20 gauge, single-shot shotgun, with an overall length of less than 26 inches and a barrel of less than 18 inches in length, which was not registered to him in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5861(d) and 5871.

FORFEITURE

1. The allegations contained in Counts One and Two of the indictment are hereby repeated, realleged, and incorporated by reference herein as though fully set forth at length for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, section 1963. Pursuant to Rules 7(c)(2) and 32.2 of the Federal Rules of Criminal Procedure, notice is hereby given to the defendants that the United States will seek forfeiture as part of any sentence in accordance with Title 18, United States Code, section 1963, in the event of defendants' convictions under Counts One and Two of this Indictment:

2. Defendants DAVID KEITH BARBEITO, also known as "Bart," FLOYD B. MOORE, also known as "JESSE" and "DIAMOND JESSE," RICHARD TIMOTHY WEAVER, also known as "LUCKY," DAVID A. CREMEANS, also known as "KICKER," DARRELL BUMGARNER, also known as "MR. NICE GUY," and others both known and unknown to the Grand Jury:

i. Have acquired and maintained interests in violation of Title 18, United States Code, section 1962, which interests are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(1));

ii. Have interests in, securities of, claims against, and property and contractual rights which afford a source of influence over, the enterprise named and described herein which the defendants established, operated, controlled, conducted, and

participated in the conduct of, in violation of Title 18, United States Code, Section 1962, which interests, securities, claims, and rights are subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(2); and

iii. Have property constituting and derived from proceeds obtained, directly and indirectly, from racketeering activity, in violation of Title 18, United States Code, section 1962, which property is subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 1963(a)(3).

NOTICE OF INTENT TO FORFEIT SUBSTITUTE ASSETS

If any of the property described above as being subject to forfeiture pursuant to 18 U.S.C. § 1963(a), as a result of any act or omission of the defendant:

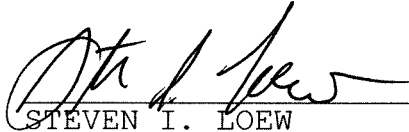
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 1963(m), to seek forfeiture of any other property of said

defendant up to the value of said property listed above as being subject to forfeiture.

CHARLES T. MILLER
United States Attorney

By:

A handwritten signature in black ink, appearing to read "St. I. Loew", written over a horizontal line.

STEVEN I. LOEW
Assistant United States Attorney